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UNITED STATES DISTRICT COURT

for the Eastern District of New York

Roman K. Brik *Appellant* -v- 1. Janet McFarland 2. Court Officer Lavanco *Defendants.*	)	Case No.: 1:23-cv-03507-AMD-LB

NOTICE OF APPEAL

Notice is hereby given that I, Roman Brik, the undersigned pro-se Plaintiff / Appellant, appeal to the United States Court of Appeals for the Second Circuit from the decision (Memorandum and Order) by Hon. Judge Ann. M. Donnelly, dated June 29, 2023. The district court dismissed my complaint (with a leave to amend), once again deliberately ignoring egregious and systemic violations of the U.S. Constitution – and state law – by Defendant Janet McFarland, a judge of Richmond County Family Court, who was exposed, among other astonishing examples of contemptible and unlawful conduct, peddling influence as provider of prohibited political donations.

The appealed-from order, in its essence, simply covered for McFarland and her colleagues in the repeatedly exposed as fundamentally corrupt NY State court system: cf. DiFiore, Ash, Michalek, Michalski, Rosenbaum, and too many other scandals only recently – in particular, in Family Courts, which routinely violate fundamental rights and due process guarantees, including, but not limited to, trial by jury of impartial Americans called on occasion, freedom of speech and

freedom to petition the government, freedom of association with one's own children, and equal protection under law.

Hon. Donnelly, herself a former NY state judge – who is still, according to her own public annual reports, on the state's payroll in the form of (a very sizable) pension, and thus mired in a glaring conflict of a clear-cut pecuniary interest – lumped together in the dismissal decision also her refusal to recuse and disqualify herself, entangling the issues and complicating their proper adjudication.

Hon. Donnelly inexplicably stayed attached to the case – despite the fact that it is revolving around her former colleagues and co-workers, and her alma-mater: the rotten NYS Unified Court System enabling all this rampant unconstitutionally and lawlessness, impossible to hide even in the face of blatant stonewalling by the judicial branch of the increasingly oppressive government, as has been demonstrated by the never-ending string of examples of shameless conduct by New York state judges at all levels, from DiFiore and down to the trial level of jailed or labeled by federal prosecutors as mafia "unindicted co-conspirators" judges like the late Hon. Michalski.

Hon. Donnelly decided to stay on the case despite the fact that she was named co-defendant in another federal complaint which I was forced to file, in order to attempt to uphold the rule of law – against Chief Judge Brodie and the rules of the EDNY court – addressing the question of the discriminatory assignment of permanent, same fixed judges only to pro se litigants (which is proceeding to the pre-trial stage: see 1:23-cv-04330 *Brik v. Brodie* (EDNY)).

The district court, unilaterally and in open contradiction to the practice even by other federal judges in NY, dismissed my complaint sua sponte, conveniently acting both as the Attorney General (of note: Hon. Donnelly, based on her public biography, served as government attorney in the past, too). By ruling in this obviously one-sided fashion, the state-paid judge automatically

took the state's side, without as little as extending me the courtesy of receiving and studying responsive pleadings, leaving me with no opportunity to reply to opposing arguments – in a fashion manifestly incongruent with our constitutionally mandated adversarial system of law, and the principle of separation of powers between judicial (court) and executive (AG) branches.

Hon. Donnelly ignored explicit statutory language and abundant case law, de facto nullifying, from the bench, the express language and legislative intent of 42 U.S.C. § 1983 – which was enacted, inter alia, precisely to allow holding of judges accountable for violations of constitutional rights under color of law.

Hon. Donnelly effectively shielded another state judge from all accountability – leaving me and thousands of other victims, parents and children – with no effective recourse against the running-amok unconstitutionality described in abundant detail in my complaint. In other words: reneging on the duty of federal courts as mandated by the U.S. Congress.

The plausibly-sounding excuse of finding redress in the state appellate court doesn't withstand elementary honest scrutiny: the relevant intermediary appellate court (Second Department) is headed by judge Hector D. LaSalle, who laughably claimed "overlooking" in his job application to lead the NYS Court of Appeals the fundamental question focusing on his constitutional record as a judge – and whose incompetence and hypocrisy were thoroughly exposed during the NY Senate Judiciary Committee hearings, as well as in LaSalle's subsequent rejection by the full Senate as well. LaSalle outrageously – but tellingly representatively of the moral compass of NY judiciary – alluded to being discriminated in his public statements. After collecting millions in pay from the state which promoted him to the highest levels of power.

The Second Department – which, lest we forget, functioned for years even without a set of clear procedural rules – is part and parcel of the carefully designed system of oppression and cover-

up permeating NY state Family and Matrimonial courtrooms: it routinely rejects all attempts by parents, catastrophically injured by unlawful "temporary" child-separating decisions, to bring light to the brazen constitutional violations – under the pretense of the "interlocutory" nature of the decisions, and refuses to grant leaves to appeal with cookie-cutter, identical one-paragraph dismissals across the board.

Same is, shamefully, true as to the highest appellate court in the state, who similarly willfully ignores – and, de facto, aids and abets – the abject calamity of manufactured orphaning of children by Family Courts: the previous head of NYS Court of Appeals, Janet DiFiore, who was involved in a series of scandals revolving around abuse of her power and public resources, abruptly resigned – in order to flee the jurisdiction of NYS CJC.

NY State court system and government apparatus are irreparably tainted by a fundamental conflict of interest – as directly and indirectly benefitting from the Title IV-D of Social Security Act federal matching cashflow – generated through the forceful removal of one parent (typically, the father, as the income earner) from equal participation in a child's life. This is done in order to make the father visitor and the mother "custodial" – and to brutally and ruthlessly justify support payments, which are then matched by the federal government under the sophisticated and cleverly deceptive pretense of "incentivizing" support enforcement.

Similar deceiving methodology, policy, and propaganda were utilized by the government during the recent, increasingly evident to all, manufactured "public health" crisis (see the string of recent decision returning employees to work and removing unconstitutional mask and "vaccination" mandates) – to steer decision-making by hospitals and health providers in the direction desired by the government.

When the government pays for a certain result, it expects to get what it is paying for – and having an interest in the outcome is precisely what irreparably stains the whole family court operation in the New York State (cf. *Tumey v. Ohio* 273 U.S. 510 (1927)), leading to the disastrous results of rampant fatherless, pandemic of parental alienation, and the obvious (and carefully planned) deterioration of society on the path to the full-blown, overt – and not semi-covert as today – totalitarian government.

With this institutionalized corruption at all levels of the state court system – and questionable, to put it mildly, election integrity and public ability to replace the legislators – the federal courts are the only hope to restore freedom and the respect to the U.S. Constitution.

Unfortunately, gatekeeping decisions like the appealed order – which, fundamentally, ignore the reality, the law, and the bedrock foundations of the American republic – serve only to protect the shockingly harmful status-quo, and to hasten the inevitable demise into societal chaos (which, even if it is the desired outcome by so called "elites", shouldn't be made so obvious by the obvious inaction by federal courts).

More elaborate arguments are forthcoming in accordance with law, including Federal Rules of Appellate Procedure.

The abovementioned decision in this action was entered, it appears, on the same day – 6/29/2023 – but sent out by the court clerk, and received, days later. This notice of appeal is, therefore, submitted today out of abundance of caution.

Respectfully signed and submitted on July 31, 2023.

Signature of Appellant: 

Printed Name of Appellant: Roman Brik

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